

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER PERSON,

Plaintiff,

v.

SUZANNE PEERY, et al.,

Defendants.

No. 2:20-cv-00622 KJM DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. On January 26, 2022, defendants filed a stipulation of dismissal signed by both the plaintiff and defendant counsel. (ECF No. 30.) The stipulated dismissal states that plaintiff voluntarily dismisses, with prejudice, the entire action pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. (*Id.* at 1.)


Under Rule 41(a)(1) of the Federal Rules of Civil Procedure, a plaintiff may voluntarily dismiss an action without a court order pursuant to “a stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii). Unless the notice provided by the plaintiff states otherwise or plaintiff has previously dismissed a state or federal action based on this claim, such a dismissal would be without prejudice. Fed. R. Civ. P. 41(a)(1)(B).

In the present case, parties have submitted a stipulation of dismissal signed by all active parties who have appeared. (ECF No. 30 at 1-2.) Thus, plaintiff may voluntarily dismiss this

1 action without a court order. Parties have provided notice for dismissal under Rule 41(a)(1). The
2 stipulation signed by both parties also states that the action is to be dismissed with prejudice. (Id.
3 at 1.)

4 Accordingly, plaintiff has dismissed this action in its entirety with prejudice pursuant to
5 Rule 41(a)(1). The Clerk of Court is ORDERED to close this action.

6 Dated: January 28, 2022

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9 DEBORAH BARNES
10 UNITED STATES MAGISTRATE JUDGE
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